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11 *Attorneys for Plaintiffs Ruben Juarez, Calin  
12 Constantin Segarceanu, Emiliano Galicia,  
13 Josue Jimenez and the Proposed Class  
(Additional Counsel Listed on Signature Page)*

14  
15 *Attorneys for Defendants  
16 Social Finance, Inc. d/b/a SoFi and  
17 SoFi Lending Corp. d/b/a SoFi*

18 UNITED STATES DISTRICT COURT  
19 NORTHERN DISTRICT OF CALIFORNIA  
20 SAN FRANCISCO DIVISION

21 RUBEN JUAREZ, CALIN CONSTANTIN  
22 SEGARCEANU, EMILIANO GALICIA, and  
23 JOSUE JIMENEZ, on behalf of themselves  
and all others similarly situated,

24 Plaintiffs,

25 v.

SOCIAL FINANCE, INC. d/b/a SOFI, and  
SOFI LENDING CORP. d/b/a SOFI,

Defendant.

Case No. 4:20 Civ. 3386 (HSG)

STIPULATION AND ORDER  
CONCERNING PRODUCTION OF  
ELECTRONICALLY STORED  
INFORMATION

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1 WHEREAS, counsel for Plaintiffs Ruben Juarez, Calin Constantin Segarceanu, Emiliano Galicia  
2 and Josue Jimenez (“Plaintiffs”) and counsel for Defendants Social Finance, Inc. d/b/a SoFi and SoFi  
3 Lending Corp. d/b/a SoFi (collectively, “SoFi” or “Defendant”) (and collectively, the “Parties,” and  
4 each, a “Party”) have met and conferred regarding discovery of electronically stored information (“ESI”)  
5 of the Parties;

6 WHEREAS, the Parties have reached agreement on certain of the issues discussed regarding  
7 such discovery;

8 WHEREAS, the Parties have entered into this Stipulation and [Proposed] Order Concerning  
9 Production of Electronically Stored Information (“Order”) to facilitate the just, speedy, and inexpensive  
10 conduct of discovery involving ESI and to promote, to the fullest extent possible, the resolution of  
11 disputes regarding the discovery of ESI without Court intervention;

12 IT IS HEREBY ORDERED that:

13 1. All Parties are bound by and subject to the terms of this Order.

14 | 2. Definitions.

15 a. "Discovery Material" is defined as all products of discovery and all information  
16 derived there from, including, but not limited to, documents, objects and things, deposition testimony,  
17 interrogatory/request for admission responses, and any copies, excerpts or summaries thereof, produced  
18 by any Party in the above-captioned matter.

19 b. Plaintiffs and Defendant, as well as their officers, directors, and employees, are  
20 referred to as the “Parties” solely for the purposes of this Protocol.

21 c. "Plaintiffs" as used herein shall mean Ruben Juarez and Calin Constantin  
22 Segarceanu, as well as any other individually named plaintiff who may be added to this case or in any  
23 case that may be consolidated with this matter.

24       3.     Cooperation. The Parties shall conduct discovery in a cooperative manner, including  
25 without limitation, by reasonably drafting discovery requests and responses in accordance with Fed R.  
26 Civ. P. 1 and 26(g)(1); and producing ESI in accordance with Fed R. Civ. P. 34; and by meeting and  
27 conferring in good faith on topics such as identification of custodians of relevant ESI, potentially

1 relevant data sources, search methodologies, and such other issues as may arise during the course of  
2 discovery.

#### 4. Search Methodology.

4           a.       If the Parties plan to use search terms or other methods to cull ESI prior to review,  
5 the parties will meet and confer to attempt to reach agreement on those methods. The Parties will  
6 disclose:

- i. the method of searching and, if applicable, the words, terms, and phrases to be searched; and
- ii. the custodians and non-custodial sources from whom ESI will be collected and searched.

11                   b.        If appropriate and applicable, Parties may choose to validate search  
12 methodologies employed by measuring and data points, such as search term hits and elusion, to ensure  
13 adequacy and proportionality and share those results

14 c. Non-searchable files, such as non-searchable PDFs, corrupt, or encrypted files  
15 that have been identified as being potentially responsive based on their file names or other information  
16 about the documents must be identified and assessed independently from any search term or text-based  
17 search protocol.

18       5. Deduplication. The Parties shall make reasonable efforts to deduplicate ESI. ESI shall  
19 be deduplicated horizontally across custodians. ESI will be considered duplicative if it has the same  
20 content including metadata and where the family of documents are all exact duplicates.

21       6. Email Threading. In order to reduce the volume of entirely duplicative content within  
22 email threads, the Parties may utilize “email thread suppression.” As used in this agreement, email  
23 thread suppression means reducing duplicative production of email threads by producing the most recent  
24 email containing the thread of emails, as well as all attachments within the thread, and excluding emails  
25 constituting exact duplicates of emails within the produced string. For purposes of this paragraph, only  
26 email messages in which the parent document, senders and recipients, and all attachments are exactly  
27 the same will be considered duplicates. In the event that an email is identified as privileged, relevant

1 non-privileged portions of the email shall be produced. The producing party may elect to produce  
2 relevant non-privileged portions of the thread separately, or by redacting the privileged content.

3       7. Privilege Logs and Redaction. If utilizing email threading, an email thread for which a  
4 party claims a privilege may be logged in a single entry provided that such entry identifies all senders  
5 and recipients appearing at any point in the thread. The Parties agree that the following documents need  
6 not be included on a privilege log:

7       a.      Communications between the parties and counsel (including internal  
8                communications within a law firm or a legal department of a corporation) on and  
9                after the filing of this lawsuit and before the lawsuit in anticipation of litigation  
10              regarding the litigation or litigation strategy if such documents exist before the  
11              lawsuit.

12       b.      Work product created by or for trial counsel in this matter after commencement of  
13              this action.

14       8. Production Format For ESI.

15       a. General Provisions. Unless the Parties agree to a different format, documents  
16      should be produced with TIFF images and named according to the Bates number of the corresponding  
17      TIFF image. Each \*.tiff file should be assigned a unique name matching the Bates number of the  
18      corresponding image. The Bates number should be consistent across the production, contain no special  
19      characters, and be numerically sequential within a given document. Attachments to documents should  
20      be assigned Bates numbers that directly follow in sequential order the Bates numbers on the documents  
21      to which they were attached. If a Bates number or set of Bates numbers is skipped, the skipped number  
22      or set of numbers should be noted, for example with a placeholder. All images should be provided in  
23      single-page, Group IV TIFF with a resolution of 300 DPI. Bates numbers and confidentiality  
24      designations should be electronically branded on each produced \*.tiff image. Unless directed by Court  
25      order to the contrary, should the producing party intend to apply redactions other than those for  
26      privileged or personally identifiable information, the Parties shall meet and confer prior to production to  
27  
28

1 discuss and attempt to reach agreement.. These .TIFF images should be provided in a separate folder  
 2 and the number of TIFF files per folder should be limited to 1,000 files.

3                   b.        Document Text. All unredacted documents should be provided with complete  
 4 document-level extracted text files, where extracted text is available. Where extracted text is not  
 5 available, OCR text will be provided where reasonably feasible. In the event a document contains text  
 6 which is to be redacted, OCR text files should be provided for any un-redacted portions of the  
 7 documents. Document-level OCR text files should be provided for any unredacted portions of redacted  
 8 documents and for all hard copy scanned documents and other imaged documents that do not have  
 9 extracted text unless a party chooses not to OCR the documents for their own purposes. If a party is not  
 10 providing OCR for a set of documents, it will identify those documents by Bates number. The extracted  
 11 full text and/or OCR text for all deliverables should be in separate document-level TXT files. These  
 12 TXT files may either be provided in a separate folder or included in the same folder as their  
 13 corresponding images. The number of TXT files per folder should be limited to 1,000 files. A UNC file  
 14 path must be included in the ESI load file.

15                   c.        Parent-Child Relationships. For email collections, the parent-child relationships  
 16 (the association between emails and attachments) should be preserved. Unless directed by Court order  
 17 to the contrary, should the producing party intend to withhold portions of responsive document families  
 18 on grounds other than privilege, the Parties shall meet and confer prior to production to discuss and  
 19 attempt to reach agreement.

20                   d.        Dynamic Fields. Documents with dynamic fields for file names, dates, and times  
 21 will be processed, where reasonably feasible, to show the field code (e.g., “[FILENAME]” or  
 22 “[AUTODATE”]), rather than the values for such fields existing at the time the file is processed.

23                   e.        Non-redacted Word Processing Files. All word processing files, including  
 24 without limitation Microsoft Word files, that do not require redactions, will be produced as \*.tiff images  
 25 showing track changes and comments. Upon a showing of reasonable and particular need, a producing  
 26 party shall produce a native version of requested files.

f. Non-redacted Spreadsheet Files. Spreadsheet files, including without limitation Microsoft Excel files, that do not require redactions will be produced as native files showing comments and similar data. A UNC file path must be included in the ESI load file. Additionally a bates-stamped \*.tiff placeholder matching the bates number of the native file, must be included in the production and reflected in the image load file. A Party may natively redact Excel spreadsheets as long as it keeps a pristine copy of the original Excel spreadsheet and identifies the natively redacted excels in the production cover letter or by way of a field identifying which spreadsheets are natively redacted.

g. Presentation Files. Presentation files, including without limitation Microsoft PowerPoint files, will be produced as native files showing comments, hidden slides, speakers' notes, and similar data. A UNC file path must be included in the ESI load file. Additionally a bates-stamped \*.tiff version of the presentation is to be included in the production unless a readable TIFF image cannot be created.

h. Database Records and Structured Data. To the extent that data is produced from a database, the parties can meet and confer regarding the appropriate format and fields, as needed. Otherwise, it will be produced in a reasonably useable format along with an explanation of the fields provided from the database where they are not self-explanatory.

i. Embedded Files. Embedded files will be produced as independent document records. Embedded files should be assigned Bates numbers that directly follow the Bates numbers on the documents within which they are embedded.

j. Time Zone. The producing party will identify the Time Zone used to process the data. A uniform time zone will be used in processing for all ESI processed by a Party.

k. Bates Numbering. Files will be named according to the Bates number of the corresponding \*.tiff image. The Bates number will:

- i. be consistent across the production;
- ii. contain no special characters; and
- iii. be numerically sequential within a given document.

1                   Attachments to documents will be assigned Bates numbers that directly follow the Bates  
 2 numbers on the documents to which they were attached. If a Bates number or set of Bates numbers is  
 3 skipped, the skipped number or set of numbers will be noted. In addition, wherever possible, each \*.tiff  
 4 image will have its assigned Bates number electronically “burned” onto the image.

5                   1.        Load File Formats. ESI will be produced in standard Concordance load file  
 6 format and an image file that is in .OPT format.

7                   m.        Metadata to be Produced. Metadata to be produced: The following metadata  
 8 fields should be produced for each document to the extent that such information is reasonably available  
 9 at the time of collection and processing, except that if a field contains privileged information, that  
 10 privileged information may be redacted and noted in a corresponding privilege log. All requests should  
 11 be read to include a request for all metadata noted below, if reasonably available.

FIELD NAME	DESCRIPTION	CATEGORY
<b>BEGDOC</b>	Starting bates	Hardcopy, edoc, email <b>and</b> attachment
<b>ENDDOC</b>	Ending bates	Hardcopy, edoc, email <b>and</b> attachment
<b>CUSTODIAN</b>	Custodial <b>or</b> non-custodial source(s) from which the <b>document</b> was collected	Hardcopy (if coded), edoc, email <b>and</b> attachment (populated through processing)
<b>ALL CUSTODIANS</b>	Custodial source(s) from which document was collected but subsequently suppressed as a duplicate during processing.	Edoc, email <b>and</b> attachment (populated through processing)
<b>FAMILYID OR ATTACHID</b>	Family (Range of bates related <b>documents</b> (i.e email & attachment) - this field will be populated for <b>all</b> records in the family), and will identify the beginning and ending Bates numbers for attachments.	Hard copy, edoc, emails <b>and</b> attachments (populated through processing)

FIELD NAME	DESCRIPTION	CATEGORY
<b>PRPERTIES OR RCRDTYPE</b>	Record type – will be populated with the “Record Type” or similar metadata field	
<b>FROM</b>	Email Author	Emails (populated through processing)
<b>TO</b>	Recipient	Emails (populated through processing)
<b>CC</b>	CC field - In the event of emails	Emails (populated through processing)
<b>BCC</b>	Bcc field - in the event of emails	Emails (populated through processing)
<b>SUBJECT</b>	<b>Subject metadata field for emails</b>	Emails (populated through processing)
<b>DOCTITLE</b>	<b>Document</b> Title/name/subject of the original native file as it existed at the time of collection.	Hardcopy (if coded), edoc (including email) <b>or</b> attachment (populated through processing)
<b>DOCDATE</b>	<b>Document</b> Date/Date Sent, format MM/DD/YYYY, this is the SORT_DATE field, so populate across families	Email <b>and</b> Attachments
<b>DATESENT</b>	Email Sent Date, format MM/DD/YYYY	Emails (populated through processing)
<b>TIMESENT</b>	Time sent, format 00:00:00 AM/PM (May be combined with DateSent field)	Emails (populated through processing)
<b>DATECREATED</b>	Date first created, format MM/DD/YYYY	Edoc <b>or</b> attachment (populated through processing)
<b>DATESVD</b>	Date last saved/modified, format MM/DD/YYYY	Edoc <b>or</b> attachment (populated through processing)
<b>TIMESVD</b>	Time saved, format 00:00:00 AM/PM	(populated through processing)

FIELD NAME	DESCRIPTION	CATEGORY
PAGECOUNT	Document page count	Edoc <b>or</b> attachment (populated through processing)
APPLICAT	Application used to open the file (Word, Powerpoint, Adobe, Excel, Explorer, Quicken, etc.)	Electronic files <b>and/or</b> emails, attachments (populated through processing)
FOLDERID OR ORIGFOLDERPATH OR FILEPATH	File path/folder structure of original native file as it existed at the time of collection.  i.e. path of email in mailbox (populate for email attachments also); filepath of edocs <b>or</b> scanned <b>documents</b> (if requested)	Electronic files <b>and/or</b> emails, attachments (populated through processing)
ALL FILEPATHS	Upon a showing of reasonable and particular need, a producing party shall produce file path/folder structure of original native file as it existed at the time of collection but subsequently removed as a duplicate for specified documents.  i.e. path of email in mailbox (populate for email attachments also); filepath of edocs <b>or</b> scanned <b>documents</b> (if requested) when duplicate copies were suppressed during processing.	Electronic files <b>and/or</b> emails, attachments (populated through processing)
DOCLINK or NATIVEFILE	Active link reflecting current filepath back to the native file	Electronic files <b>and/or</b> emails, attachments (populated through processing <b>and only provided if receiving native files</b> )
FILEEXTEN	In the event of attachments <b>or</b> emails, this will enable us to search by <b>document</b> type. Sample contents: <i>PST, MSG, PDF, DOC, PPT, HTM</i> , etc.	Electronic files <b>and/or</b> emails, attachments (populated through processing)

FIELD NAME	DESCRIPTION	CATEGORY
<b>FILESIZE</b>	Numerical file size, in bytes, of any natively-produced documents.	Electronic files and/or edocs (populated through processing).
<b>AUTHOR</b>	In the event of attachments, this field contains the 'author' of the <b>document</b>	For Hard Copy <b>documents</b> (if coded) <b>or</b> electronic files <b>and/or</b> attachments (populated through processing)
<b>HASH</b>	MD5 Hash value for de-dupe	Electronic files <b>and/or</b> attachments (populated through processing)

9  
10. Production Format for Hard Copy Documents. Hard copy documents will be scanned  
11 and processed as .tiff images with OCR. To the extent this production format is not feasible or causes  
12 the producing Party undue burden, the Parties agree to meet and confer to discuss the different form of  
13 production.

14. Encryption. To maximize the security of information in transit, any media on which  
15 documents are produced may be encrypted by the producing Party. In such cases, the producing Party  
16 shall transmit the encryption key or password to the requesting Party, under separate cover,  
17 contemporaneously with sending the encrypted media.

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20 OUTTEN & GOLDEN LLP

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22 MCGUIRE WOODS LLP

23 Dated: October 21, 2021  
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22 Constantin Segarceanu, Emiliano Galicia,  
23 Josue Jimenez and the Proposed Class*

24 SO ORDERED:

25   
26 Hon. Haywood S. Gilliam, Jr.  
27 United States District Judge

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Date: 10/25/2021